

Message Text

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C O N F I D E N T I A L SECTION 1 OF 3 SANTO DOMINGO 3549

E.O. 11652: GDS
TAGS: PINT, PEPR, PINS, DR
SUBJECT: THE REFORMISTA CHALLENGE OF THE ELECTION RESULTS AND
US POLICY

REFS: A) SANTO DOMINGO 2844; B) SANTO DOMINGO 3328; C) SANTO
DOMINGO 3420

1. INTRODUCTION: THIS REPORT ATTEMPTS TO PUT INTO PER-
SPECTIVE THE CURRENT ELECTORAL UNCERTAINTY IN THE DR; TO
PROJECT CONCEIVABLE OUTCOMES OF THE DELIBERATIONS OF THE
CENTRAL ELECTORAL BOARD, INCLUDING THE "WORST CASE"; AND
TO SUGGEST HOW THE US SHOULD REACT TO EACH OF THE GENERAL
CONTINGENCIES.

2. THE REFORMISTA PARTY HAS INSISTENTLY PURSUED ITS COURSE
OF CHALLENGING THE RESULTS OF THE MAY 16 BALLOTING. THESE
RDSULTS UNOFFICIALLY SHOWED THE CANDIDATE OF THE PARTIDO
REVOLUCIONARIO DOMINICANO (PRD), ANTONIO GUZMAN, AS THE VICTOR
IN THE PRESIDENTIAL RACE BY A MARGIN OF 153,000 VOTES. THE
REFORMISTAS HAVE SAID THAT ELECTORAL CHALLENGES ARE LEGAL
AND HISTORICALLY NORMAL, WHICH IS TRUE. HOWEVER, THESE
CHALLENGES CANNOT BE CONSIDERED APART FROM THE FACT THAT
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THEY FOLLOW THE NEARLY TRAGIC MAY 17 MILITARY INTERVENTION
IN THE ELECTORAL PROCESS IN FAVOR OF INCUMBENT PRESIDENT
BALAGUER.

3. IN ADDITION, THE INTEGRITY OF THE CENTRAL ELECTORAL
BOARD (JCE), THE ORGAN DESIGNATED BY LAW TO DECLARE THE
WINNERS, HAS COME INTO QUESTION AS A RESULT OF A SERIES OF

DUBIOUS OCCURRENCES: THE REMOVAL OF ITS OWN CHAIRMAN, MANUEL JOAQUIN CASTILLO, ON GROUNDS OF MAKING STATEMENTS PREJUDGING THE CHALLENGES; THE TEMPORARY DETENTION BY SECRET POLICE OF THE HEAD OF THE JCE COMPUTER DEPARTMENT, JOSE NERIS CABRERA FEBRIELLET; CABRERA'S LATER SUSPENSION ALONG WITH THAT OF HIS IMMEDIATE SUPERIOR, JOSE SILIE GATON; THE REPORTED PRESENCE OF SECRET POLICE IN THE JCE; THE MYSTERIOUS HIRING OF TWO CHILEAN COMPUTER TECHNICIANS TO "INVESTIGATE" ALLEGED USE OF THE JCE'S COMPUTERS TO MIX UP THE VOTER REGISTRATION LISTS AND THEIR SUDDEN DEPARTURE; AND THE STILL-TO-BE-EXPLAINED BURGLARY OF VOTER REGISTRATION CARDS FROM THE JCE JUNE 19.

4. OTHER SUSPICIOUS EVENTS HAVE BEEN: THE APPEARANCE OF A "FALSE" OFFICIAL GAZETTE WITH A VERSION OF A CHANGE IN THE ELECTORAL LAW WHICH WOULD EMPOOWER THE JCE TO TAKE EXTRA-ORDINARY MEASURES IN THE ELECTORAL PROCESS, (INCLUDING THE CALLING OF "COMPLEMENTARY ELECTIONS" DEMANDED BY THE REFORMISTAS ("EL GACETAZO"); AND THE INTRODUCTION DURING THE JCE'S HEARINGS OF AN ILLEGAL PHONE TAP OF CONVERSATIONS BETWEEN PRD PRESIDENT SALVADOR JORGE BLANCO AND ANOTHER PRD OFFICIAL ("EL TELEFONAZO").

5. THE COMBINATION OF THESE STRANGE HAPPENINGS HAS HEIGHTENED UNEASINESS AND PLUNGED THE COUNTRY INTO A DEEPENING ECONOMIC CRISIS. THE GREAT MAJORITY OF DOMINICANS, CONFIDENTIAL

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INCLUDING MANY WHO FAVORED BALAGUER'S REELECTION, ACCEPT THE PRD'S VICTORY AND WANT TO SEE THE COUNTRY RETURNED TO NORMALITY THROUGH THE PEACEFUL TRANSITION OF POWER. THERE EXISTS, HOWEVER, A SMALL GROUP OF INDIVIDUALS IN THE BALAGUER ADMINISTRATION, INCLUDING SO FAR BALAGUER HIMSELF, WHO ARE WILLING TO PROLONG THE UNCERTAINTY, INSISTING THAT THE CHALLENGES OF THE ELECTORAL RESULTS BE FULLY PURSUED. NOT ONLY THE PRD, BUT ALSO MANY WHO VOTED FOR BALAGUER AND NOW SUPPORT A PEACEFUL TRANSITION OF POWER, ARE APPREHENSIVE THAT THIS REFORMISTA EFFORT MAY MASK AN ATTEMPT TO SEIZE BY SOME MEANS, LABELLED "LEGAL", WHAT WAS NOT POSSIBLE TO ACHIEVE BY POLITICAL EFFORTS AT THE POLLS, OR EVEN BY MILITARY FIAT: AN OVERTURNING OF THE PRD ELECTORAL VICTORY, IF NOT WHOLLY AT LEAST PARTIALLY.

6. A KEY QUESTION AMONG ALL OBSERVERS AT THIS POINT IS: WHAT ARE THESE REFORMISTAS UP TO? CAN THEY POSSIBLY HOPE TO PULL OFF WHAT II EFFECT WOULD BE A "LEGAL COUP?" WHAT WOULD BE THE REACTION TO A JCE ELECTORAL RULING IN FAVOR OF THE REFORMISTA CHALLENGES? NO ONE HAS THE ANSWERS TO THESE QUESTIONS AND THIS ACCOUNTS IN LARGE MEASURE FOR THE CONTINUING TENSENESS. SOME BASIS EXISTS, HOWEVER, FOR REASONED SPECULATION.

7. FIRST OF ALL, PRESIDENT BALAGUER HIMSELF, IN HIS CONVERSATION MAY 24 (REF A) WITH MIAMI MAYOR MAURICE FERRE, HIS JUNE 16 (REF B) DISCUSSION WITH AMBASSADOR YOST, AND HIS JUNE 17 (REF C) MEETING WITH PRESIDENT-ELECT GUZMAN (ACCORDING TO GUZMAN, ASSERTED THAT HE INTENDS TO LEAVE OFFICE AUGUST 16. HE ALSO INDICATED THAT THE REFORMISTA CHALLENGES WERE DIRECTED TOWARD OBTAINING MORE CONGRESSIONAL (PARTICULARLY SENATE) SEATS AND LOCAL OFFICES. THIS HAS ALSO BEEN CITED AS THE REFORMISTA OBJECTIVE II PRIVATE CONVERSATIONS BETWEEN MISSION STAFF AND MEMBERS OF THE REFORMISTA LEADERSHIP. SEVERAL PRD LEADERS ALSO UNDERSTAND THIS TO BE THE POSSIBLE REASON FOR THE MANUEVERS OF THEIR ADVERSARIES.

8. WHY IS THE CONGRESS, PARTICULARLY THE SENATE, SO IMPORTANT?
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ACCORDING TO THE UNOFFICIAL RESULTS OF THE ELECTION, THE PRD WON FIFTEEN AND THE REFORMISTAS TWELVE SEATS IN THE TWENTY-SEVEN MEMBER SENATE. THUS, A REVERSAL OF ONLY TWO SENATE SEATS COULD GIVE THE REFORMISTAS A MAJORITY. A REFORMISTA-CONTROLLED SENATE COULD BLOCK OR AT LEAST BRAKE LEGISLATION IN THE NEXT ADMINISTRATION. THE SENATE, MOREOVER, IS RESPONSIBLE FOR APPOINTING JUDGES, MEMBERS OF THE JCE AND DIPLOMATIC OFFICIALS. THUS THE REFORMISTAS' BID FOR A SENATE MAJORITY MAY REPRESENT AN EFFORT TO CONTROL A REAL SOURCE OF POWER WHICH CAN BE BUILT UPON TO RESTORE THE PARTY IN A POST-BALAGUER ERA.

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9. IF THE REFORMISTAS ARE AFTER A STRONGER POSITION IN THE LEGISLATURE, THEY PUBLICLY TAKE A HARDER LINE IN THE JCE'S HEARINGS. THEY CONTINUE TO CALL FOR "COMPLEMENTARY ELECTIONS" OR FOR NEW ELECTIONS NATIONWIDE, WHICH HEIGHTENS UNEASINESS ABOUT THEIR REAL MOTIVES.

10. ON THE OTHER HAND, THE REFORMISTAS SHOW LITTLE UNITY OF PURPOSE. SOME WITHIN THE REFORMISTA INNER CIRCLE EVIDENTLY SEEK LIMITED OBJECTIVES THROUGH THE CHALLENGES. OTHER REFORMISTA LEADERS MAY BE SPURRED BY A DESIRE TO ASSUME LEADERSHIP OF THE PARTY. SINCE THE ELECTORAL CHALLENGE IS THE ONLY ISSUE IN VIEW, REFORMISTA LEADERS, WHILE APPEARING TO COOPERATE WITH EACH OTHER, SEEM TO BE COMPETING WITH ONE ANOTHER OVER WHO WILL SUCCEED BALAGUER AS LEADER OF THE PARTY.

11. THERE REMAINS, HOWEVER, A HARD LINE GROUP, INCLUDING MANY IN WHAT IS REFERRED TO HERE AS THE "PALACE RING" (EL ANILLO

PALACIEGO), MOST OF WHOM WERE WITH TRUJILLO AND WHO MAY BE STILL SEEKING TO PRESERVE THEIR POWER AND ACCESS TO WEALTH. THIS IS THE INNERMOST GROUP OF INDIVIDUALS WHO SERVE BALAGUER DIRECTLY AT THE NATIONAL PALACE AND WHO HAVE ACQUIRED GREATER INFLUENCE IN THE LAST SEVERAL YEARS AS BALAGUER'S EYESIGHT
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PROBLEM WORSENED.

12. MUCH OF THE LOCAL SPECULATION PRESUPPOSES A DIRECT OR INDIRECT INFLUENCE ON THE JCE BY THE REFORMISTAS. HOWEVER, ASSUMING SOME MEASURE OF RATIONALITY ON THE PART OF THE THREE-MAN ELECTORAL BOARD, FEW DOMINICANS BELIEVE THE

JCE, WHEN IT MAKES ITS DECISION--NOW EXPECTED NEXT WEEK-- WILL PLUNGE THE COUNTRY INTO A FULL-FLEDGED POLITICAL CRISIS BY ACCEPTING THE REFORMISTA CHALLENGES COMPLETELY. A MORE COMMON EXPECTATION IS THAT THE JCE WILL CALL FOR "COMPLEMENTARY" OR COMPLETELY NEW ELECTIONS ONLY IN SEVERAL PROVINCES WHERE THE PRD WON BY A SLIGHT MARGIN. SUCH AN ELECTION WOULD GIVE THE REFORMISTAS A CHANCE (THOUGH NOT A CERTAINTY) TO GAIN THEIR SENATE MAJORITY BUT WOULD NOT ALLOW FOR A CHANGE IN THE NATIONAL VOTE COUNT SUFFICIENT TO UNSEAT GUZMAN.

13. SHOULD THE JCE COME TO SUCH A DECISION, IT WOULD PLACE THE PRD IN A DIFFICULT POSITION. THE POSSIBILITY OF A GENERAL PROTEST MOVEMENT OR GENERAL STRIKE HAS BEEN POSITED BY THE PRD, BUT THIS HAS BEEN BASED ON A "WORST-CASE" HYPOTHESIS OF

"AN OVERTURNING OF THE WILL OF THE PEOPLE." THE PRD'S RESOLVE IN THE FACE OF A PARTIAL REVERSAL BY THE JCE IS UNKNOWN. FROM EMBASSY CONTACTS WITH THE PRD WE SUSPECT THERE WOULD BE CONSIDERABLE DEBATE WITHIN THE PARTY HIERARCHY OVER WHETHER TO ACCEPT A JCE DECISION TO RERUN THE ELECTIONS IN A LIMITED NUMBER OF LOCALES OR WHETHER TO LAUNCH A MAJOR PROTEST MOVEMENT.

14. UNDER THESE CIRCUMSTANCES, IT APPEARS TO US THAT THE USG SHOULD BE PREPARED TO REACT TO POSSIBLE DECISION OF THE JCE AS FOLLOWS:

A. IF THE ELECTORAL RESULTS ARE CONFIRMED AND THE
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CHALLENGES ARE REJECTED, THE US (IF POSSIBLE THE PRESIDENT) SHOULD EXPRESS PROFOUND SATISFACTION THAT THE DEMOCRATIC ELECTORAL PROCESS HAS CULMINATED SUCCESSFULLY AND OUR INTENTION TO WORK CLOSELY WITH THE NEW ADMINISTRATION.

B. IF THE JCE TAKES DECISIONS WHICH HAVE THE EFFECT OF REVERSING THE RESULTS IN WHOLE OR IN LARGE MEASURE (THE EMBASSY WOULD PROVIDE INTERPRETATION SOONEST), THUS SHOULD IMMEDIATELY STATE ITS DEEP CONCERN OVER CIRCUMSTANCES SURROUNDING THE DECISION OF THE ELECTORAL BOARD WHICH CALL INTO QUESTION THE INTEGRITY OF BOARD'S RULING AND EXPRESS ITS HOPE THAT ACTIONS WILL BE TAKEN TO CONSUMMATE A DEMOCRATIC ELECTORAL PROCESS BASED ON THE WILL OF THE DOMINICAN PEOPLE AS EXPRESSED II THE MAY 16 VOTING. A STRONG REMINDER OF THE EFFECT ON US RELATIONS WOULD BE TIMELY. FURTHER MOVES WOULD DEPEND ON CIRCUMSTANCES AND ON REACTIONS OF OTHER PLAYERS BUT WE BELIEVE PROMPT, FIRM ACTION WOULD BE REQUIRED.

C. IF THE JCE RULES THAT DUE TO INDIVIDUAL ERRORS IN A LIMITED NUMBER OF PROVINCES OR MUNICIPALITIES "COMPLEMENTARY" OR COMPLETELY NEW ELECTIONS ARE TO BE HELD, THE US REACTION SHOULD TAKE INTO ACCOUNT (1) THE FAIRNESS OF SUCH A DESICION, AND (2) THE REACTION OF BOTH THE PRD AND LEADING SECTORS OF PUBLIC OPINION:

I. IF THE JCE'S DECISION IS UNFAIR AND STRONGLY OPPOSED BY BOTH PUBLIC OPINION AND THE PRD, THE USG SHOULD EXPRESS ITS CONCERN IN LANGUAGE ADAPTED FROM THAT EXPRESSED IN FIRST SENTENCE OF B ABOVE.

II. IF THE JCE'S DECISION IS BASED ON EVIDENCE PRESENTED AND APPEARS GENERALLY EQUITABLE AND THE PRD DECIDES TO ACCEPT THE RULING TO HOLD NEW ELECTIONS IN A LIMITED NUMBER OF LOCATIONS, THE US SHOULD TREAT THIS AS AN INTERNAL DOMINICAN MATTER AND EXPRESS ITS HOPE AND TRUST THAT THESE ELECTIONS WILL AGAIN BE COMPLETELY FAIR AND FREE.

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15. IN ADDITION TO ABOVE RATHER CLEAR-CUT SCENARIOS, WE CAN ALSO ENVISION A MUCH MORE AMORPHOUS SITUATION DEVELOPING ALONG THE FOLLOWING LINES. THE JCE COULD CALL FOR "COMPLEMENTARY" OR COMPLETELY NEW ELECTIONS TO DETERMINE ONLY CONGRESSIONAL AND LOCAL OFFICES IN A LIMITED NUMBER OF PROVINCES OR MUNICIPALITIES (3 TO 7 HAVE BEEN CITED BY VARIOUS SOURCES) IN WHICH THE ELECTION RESULTS WERE VERY CLOSE. THESE WOULD LARGELY BE LOCATIONS WHERE THE PRD WON BUT MIGHT EVEN INCLUDE SOME PLACES WHERE THE PRD LOST. THE JCE DECISION COULD VERY WELL BE BASED NOT SO MUCH ON UNPROVEN REFORMISTA ALLEGATION AS THAT THERE WAS MASSIVE

FRAUD AND TAMPERING WITH THE COMPUTERIZED VOTER LISTS, AS ON THE WELL-KNOWN AND WIDELY ACCEPTED ARGUMENT THAT FOR ONE REASON OR ANOTHER NUMBERS OF VOTERS DID IN FACT HAVE DIFFICULTY FINDING THEIR POLLING PLACES AND WENT HOME WITHOUT VOTING. IN LOCATIONS WHERE THE VOTE WAS VERY CLOSE, THE JCE COULD CONSIDER A RERUN OF OF THE VOTING AS A MATTER OF SIMPLE EQUITY. UNDER THESE CIRCUMSTANCES IT IS POSSIBLE THAT LARGE SEGMENTS OF PUBLIC OPINION, RELIEVED THAT THE NATIONAL RACE HAD BEEN SETTLED IN FAVOR OF GUZMAN, WOULD FIND THE JCE DECISION REASONABLE. HOWEVER, IT IS ALSO

POSSIBLE THAT THE PRD COLLEGIAL LEADERSHIP, FOR INTERNAL POLITICAL REASONS, WOULD DECIDE IT COULD NOT ACCEPT ANY NEW
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ELECTIONS. UNDER THESE CONDITIONS US REACTION SHOULD BE VERY CAREFUL AND RESERVED, AT LEAST UNTIL WE HAD AN OPPORTUNITY TO ASSESS THE SITUATION. OUR BEST STANCE IN THESE CIRCUMSTANCES MAY

WELL BE, ON AN IF ASKED BASIS, TO EXPRESS THE VIEW THAT THE
RESOLUTION OF THIS PROBLEM IS AN INTERNAL DOMINICAN MATTER TO
WHICH WE HOPE A PROMPT SOLUTION WILL BE FOUND WHICH WILL ASSURE
THE CONCLUSION OF THE DEMOCRATIC ELECTORAL PROCESS BEGUN DURING
THE MAY 16 VOTING. SHOULD THE SITUATION NOT QUICKLY MOVE TOWARD
SETTLEMENT, THE EMBASSY WOULD LOOK FOR OPPORTUNITIES TO USE
DISCRETELY ITS GOOD OFFICES WITH ALL PARTIES TO ASSIST IN FINDING
A SATISFACTORY SOLUTION.

16. THE EMBASSY WILL CONTINUE TO EXAMINE AND REPORT DEVELOPMENTS
IN LIGHT OF THIS ASSESSMENT (ON WHICH IT WILL APPRECIATE ANY
COMMENT) AND WILL PROPOSE SPECIFIC LANGUAGE AS THE SITUATION
DEVELOPES.

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